

REMARKS

By this amendment, claims 1-4, 6-19, and 23-25 are pending, in which claims 1, 3, 4, 7, 9, 12, 13, 19, and 23 are currently amended. Claims 5 and 20-22 were previously canceled. No new matter is introduced.

The Office Action mailed May 19, 2009 objected to the drawings under 37 C.F.R. 1.83(a) and claims 9, 13, and 19 for informalities, and rejected claims 1-4, 6, and 9-12 under 35 U.S.C. § 101 as non-statutory, claims 1-3, 6-8, and 23 as obvious under 35 U.S.C. § 103(a) based on Applicants' admitted prior art (APA) in view of *Sarkkinen et al.* (US 6,839,565 B2), and claim 4 as obvious under 35 U.S.C. § 103(a) based on the APA in view of *Sarkkinen et al.* (US 6,839,565 B2) in further view of *Shepherd et al.* (US 7,281,058 B1).

First, Applicants appreciate the indication that claims 9-19 and 24-25 are allowed, but for the compliance with the formal requirements. As for the imposed objections and rejections, Applicants respectfully traverse for the reasons provided below.

On pages 2 and 3 of the Office Action, the Examiner objected to the drawings under 37 C.F.R. 1.83(a) for failing to show or indicate “means for indicating a category, means for indicating quantity and hierarchical structure, as recited in claims 23-25.” Applicants respectfully disagree, and direct the Examiner’s attention to the **information service broadcaster 15** depicted in FIG. 1. The originally filed disclosure states that “each IP session announcement **generated by the information service broadcaster 15** includes information identifying the IP destination address and the port at which **location SAP messages announcements on a level below the current level can be found**” (lines 1-4, page 5 of the disclosure). The disclosure states further that “[e]ach IP session announcement also includes a message identifier hash field of the SAP message, and the **category or subcategory** to which the

information service relates” (lines 7-9, page 5 of the disclosure) and that “[e]ach message announcement also includes information identifying the **number of messages on the lower level and relating to that category**” (lines 10-12, page 5 of the disclosure). As evident from at least the quoted passages of the disclosure, the **information service broadcaster 15** generates the IP session announcement which includes, *inter alia*, “announcements on a level below the current level can be found” (i.e., hierarchical structure), “category or subcategory,” and the “number of messages.” Therefore, the **information service broadcaster 15** is a means for indicating the category, the number or quantity of messages or announcements, and the hierarchical structure of the announcements. Accordingly, the objection is traversed.

With respect to the objection to claims 9, 13, and 19, Applicants have amended the claims as proposed on page 3 of the Office Action. In light of the amendments, the objection is overcome.

Regarding the rejection of claims 1-4, 6, and 9-12 under 35 U.S.C. § 101 for failing to qualify as a statutory process, Applicants have amended claims 1, 3, and 4 to more clearly tie the process to a particular apparatus. Amended claim 1 recites, *inter alia*, “broadcasting or multicasting, **via a transmitter**, one or more announcements” and “broadcasting or multicasting, **via the transmitter**, on a first level of the hierarchical structure.” Amended claim 3 recites, *inter alia*, “broadcasting or multicasting, **via the transmitter**, at the second level information.” Similarly, amended claim 4 recites, *inter alia*, “broadcasting or multicasting, **via the transmitter**, at the first level information.” Support for the amendment can be found in at least line 25, page 4 and FIG. 1 of the disclosure. Claims 2 and 6 depend from amended claim 1 and, therefore, is likewise statutory.

For claims 9-12, Applicants note that the claims recite, directly or indirectly, “a receiver,” which is clearly tied to a particular apparatus and meets the definition of a “machine,” within the meaning of 35 U.S.C. § 101.

Accordingly, the rejection of claims 1-4, 6, and 9-12 under 35 U.S.C. § 101 is overcome for at least the foregoing reasons.

As for the rejection of claims 1-4, 6-8, and 23 under 35 U.S.C. § 103(a), Applicants respectfully traverse the rejection.

To reduce issues for potential appeal, Applicants have amended independent claims 1, 7, and 23. As amended, independent claims 1 and 7 recite, *inter alia*, “data indicating a quantity of announcement information constituting the one or more second level announcements, **the data indicating the quantity of announcement information including at least a count of the one or more announcements.**” Similarly, amended independent claim 23 recites, *inter alia*, “means for indicating the quantity of announcement information constituting the one or more announcements, **the data indicating the quantity of announcement information including at least a count of the one or more announcements.**” Support for the amended claims is apparent in the originally filed disclosure in at least lines 10-12 and lines 19-24 of page 5 and lines 14-18 of page 6.

The Office Action, on page 4 and 5, states that the APA allegedly discloses: (1) “a method comprising: broadcasting or multicasting, one or more announcements relating to a category of an information service (see page 1, line 20-page 2, line 2; page 2, lines 5-19); (2) “broadcasting or multicasting on a first level of the hierarchical structure (see page 2, lines 4-5);” (3) “data indicating a category to which the one or more announcements transmitted at the

second level relate (see page 2, line 1-17)”; and (4) “constituting the one or more second level announcements, wherein the second level is lower than the first level (see page 2, lines 11-25).”

Even if Applicants were to agree that the APA discloses what the Examiner alleges, the Examiner accurately acknowledges on page 5 of the Office Action that “the APA does not explicitly teach about --- **data indicating a quantity of announcement information**, as claimed.” To cure this deficiency, the Office Action, on page 5, applies *Sarkkinen et al.* for allegedly teaching “about multicast service announcement wherein the announcement includes a list that contains **a number of multicast service announcement identifications** (see fig. 3; col. 6, lines 38-57, particularly lines 38-46; col. 8, lines 13-41; col. 9, lines 8-17; claims 13, 15 and 16)” which is equated with the feature of “**data indicating the quantity** of announcement information constituting the one or more announcements, the data indicating the quantity of announcement information including at least a count of the one or more announcements” as recited in amended claims 1 and 7 and the feature of “**means for indicating the quantity** of announcement information constituting the one or more announcements, the data indicating the quantity of announcement information including at least a count of the one or more announcements” as recited in claim 23. Applicants respectfully disagree that *Sarkkinen et al.* teaches either data or means for “indicating the quantity of announcement information constituting the one or more announcements, the data indicating the quantity of announcement information including at least a count of the one or more announcements” as recited in amended claims 1, 7, and 23.

Col. 6, lines 38-46 of *Sarkkinen et al.* discloses:

FIG. 3 shows a diagram of a multicast service announcement list according to an example embodiment of the present invention. The list may contain **a number of multicast service identifications 62**. The multicast service announcement identification **62** may be listed in the order that they will be broadcast. A User

Equipment, after reviewing this list **60**, is informed as to when multicast service announcements will be broadcast with respect to each other.

The FIG. 3 corresponding to this passage in *Sarkkinen et al.* depicts a list of service identifications.

Col. 8, lines 13-41 of *Sarkkinen et al.* discloses:

As discussed previously, the content of the offset value may be in terms of time, e.g., seconds, TTI, or equal to a predefined value. If the type field denotes that the next field is associated with the previous PICH frame, this may indicate that this information may be concatenated with the information contained in that same field in the previous PICH frame. The indication field of the PICH frame may be used for transmission of multicast service announcement identification information. This identification information may consist of a service identification, group identification, **the serial number of the service in a list**, an offset value, multicast service address, or some other information.

Col. 9, lines 8-17 of *Sarkkinen et al.* discloses:

FIG. **9** shows a diagram of a PICH frame structure using **a multicast service announcements timing list** according to an example embodiment of the present invention. Similar to FIG. **8**, the fields in each embodiment are mapped to the service list. In this embodiment, the multicast service announcement identification in the service list may not be in the order that they may be sent on the air interface. The SFN list contains the timing information denoting when particular multicast service announcement list frame may occur over the air interface.

Claim 13 of *Sarkkinen et al.* discloses:

13. The method according to claim **12**, wherein the service announcement identification comprises one of a service identification, a group identification, **a serial number of multicast service announcements in a list**, and System Frame Number for the long term multicast announcement or advertising frame.

Claim 15 of *Sarkkinen et al.* discloses:

15. The method according to claim **14**, wherein the current service announcement identification field contains one of a service identification, a group identification, **a serial number of multicast service announcements in a list**, System Frame Number, and an offset value.

Claim 16 of *Sarkkinen et al.* discloses:

16. The method according to claim 14, wherein the next service announcement identification field contains one of a service identification, a group identification, **a serial number of multicast service announcements in a list**, System Frame Number, and an offset value.

Based on these passages, it appears that the Examiner is equating the statement in *Sarkkinen et al.* that “the list may contain **a number of multicast service identifications 62**” (Col. 6, lines 40-41 of *Sarkkinen et al.*) with the data or means for “indicating **a quantity** of announcement information constituting the one or more second level announcements, the data indicating the quantity of announcement information including at least a count of the one or more announcements.” At best, this is a strained interpretation of the statement and the FIG. 3 to which the statement in *Sarkkinen et al.* applies. In this case, *Sarkkinen et al.* is merely referring to the fact that the list may have a plurality of or multiple multicast service identifications included therein. In other words, “a number” as used in *Sarkkinen et al.* signifies that there can be more than one multicast service identifications in the list as opposed specifying the quantity data indicator as recited in claims 1, 7, and 23. Moreover, the row numbering depicted in list of FIG. 3 is directed to illustrating that there is no limitation on how many service identifications may be included in the list (e.g., explained in the accompanying description discussed above), not in providing data on the quantity, let alone the count, of the number service announcements included in the list as recited in amended claims 1, 7, and 23.

In addition, the Examiner also appears to confuse the reference to “a serial number of multicast service announcements” in *Sarkkinen et al.* as support that the list includes data indicating quantity. However, in *Sarkkinen et al.*, the serial number associated with each service announcement relates to a unique identifier assigned outside of the service announcement list. This serial number is used for identification purposes not for indicating quantity. As described in col. 6, lines 47-57 of *Sarkkinen et al.*, the serial number is used as follows:

The user equipment may read the list of services from the SIB signaling messages. If the user equipment detects that any of **the service numbers on the list do not** equal the multicast **service numbers** configured in the user equipment's memory, the user equipment may wait until the service list information is changed in the SIB message. However, if the user equipment detects that the list contains **service numbers** which are also configured in the user equipment's memory, the user equipment may check the multicast related information by monitoring the PICH channel.

Therefore, as apparent in the above passage, the service number (i.e., the serial number of the multicast service announcement) is used to identify whether a particular device or user equipment is configured for the particular service, not for indicating quantity as recited amended claims 1, 7, and 23.

In contrast, the feature of data or means for **"indicating a quantity of announcement information"** includes **"at least a count of the one or more announcements"** as recited in amended claims 1, 7, and 23. For example, lines 10-12 of page 5 of the disclosure states "[e]ach announcement also includes **information identifying the number of messages** on the lower level and relating to that category, and a timeout value." Additionally, lines 19-24 of page 5 of the disclosure states:

The IP session announcements may describe the above listed information in any convenient manner. For example, the **'count'** and timeout' parameters could be included in the "cat" attribute of an SDP message, e.g. "a=catx.y.z 10 20" means pointer to category "x.y.z" with **'count' 10** and 'timeout' 20. Alternatively, this information could be included in an SDP media field "m", e.g. as "m=application 9889 sap sdp 10 20".

From these passages, it is apparent that the quantity data indicator recited in claims 1, 7, and 23 provide for specific information on the quantity and count of the announcement information.

With respect to claim 4, the Office Action, on page 6, applies the *Shepherd et al.* for the alleged teaching of "about delivering and receiving multicast content across a unicast network,

wherein the delivery information includes a time-out value,” but does not cure the deficiencies of either the APA or *Sarkkinen et al.*

Therefore, the APA, *Sarkkinen et al.*, and *Shepherd et al.* either taken separately or in combination do not teach or suggest the claimed feature of data or means for “indicating a quantity of announcement information constituting the one or more second level announcements, the data indicating the quantity of announcement information including at least a count of the one or more announcements” as recited in claims 1, 7, and 23.

Accordingly, Applicants believe claims 1, 7, and 23 are in condition for allowance. Claims 2-4, 6, and 8 depend from claims 1 and 7, so they should be allowable for at least the same reasons as claims 1, 7, and 23.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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